

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

DESHAWN M. SMITH,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 2:20-CV-00640

Crim No. 2:14-CR-00127(13)

CHIEF JUDGE ALGENON L. MARBLEY

Magistrate Judge Chelsey M. Vascura

ORDER

On February 14, 2020, the Magistrate Judge issued a *Report and Recommendation* (R&R) recommending that Movant's motion to vacate under 28 U.S.C. § 2255 be denied as time-barred. (ECF No. 1652.) Although the parties were advised of the right to object to the R&R, and of the consequences of failing to do so. No objections have been filed. The R&R (ECF No. 1652) is therefore, **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

Pursuant to 28 U.S.C. § 2253(c)(1)(B) and Rule 11 of the Rules Governing Section 2255 Proceedings in the United States District Courts, the Court must determine whether to issue a certificate of appealability. Because Petitioner waived the right to file an appeal by failing to file objections to the R&R, *see Thomas v. Arn*, 474 U.S. 140, 147 (1985); *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981), the Court **DECLINES** to issue a certificate of appealability.

IT IS SO ORDERED.

Date: 3/12/2020

s/ Algenon L. Marbley

ALGENON L. MARBLEY

CHIEF UNITED STATES DISTRICT COURT JUDGE